

# PATENT COOPERATION TREATY

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# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

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| To:<br><br>see form PCT/ISA/220  |   | Date of mailing<br>(day/month/year) see form PCT/ISA/210 (page 2) |
| Applicant's or agent's file reference<br>see form PCT/ISA/220                                  |   | <b>FOR FURTHER ACTION</b><br>See paragraph 2 below                |
| International application No.<br>PCT/DE2004/001350   | International filing date (day/month/year)<br>6/26/2004 | Priority date (day/month/year)<br>6/27/2003                       |
| International Patent Classification (IPC) or both national classification and IPC<br>B60R21/01 |   |   |
| Applicant<br>Robert Bosch GMBH   |   |   |

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

|   |  |
|---|--|
| Name and mailing address of the ISA/<br>Europäisches Patentamt<br>NL-2280 HV Riiswijk<br>Facsimile No. <span style="font-family: cursive; font-size: 1.2em;">21321879296</span> | Authorized officer<br>Daehnhardt, A<br>Telephone No. |
|---|--|

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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/DE2004/001350

Box No. II    Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rules 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rules 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Daehnhardt, A

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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/DE2004/001350

**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

|                               |        |                |     |
|-------------------------------|--------|----------------|-----|
| Novelty (N)                   | Claims | 3, 6-9, 11     | YES |
|                               | Claims | 1, 2, 4, 5, 10 | NO  |
| Inventive step (IS)           | Claims |                | YES |
|                               | Claims | 1-11           | NO  |
| Industrial applicability (IA) | Claims | 1 - 11         | YES |
|                               | Claims |                | NO  |

2. Citations and explanations:

see supplementary page

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~~JAP20 Pat. Authority~~ 20 DEC 2005  
WRITTEN REPORT OF THE INTERNATIONAL SEARCH AUTHORITY  
(SUPPLEMENTARY SHEET)

International File No.: PCT/DE2004/001350

Re: Point V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Reference is made to the following document(s):

D1: US-B-6 249 7301 (JON KELLY WALLACE ET AL) June 19, 2001 (2001-06-19)

D2: US-B-6 532 4081 (DAVID S BREED) March 11, 2003 (2003-03-11)

2 The present application does not fulfill the requirements of Article 33(1) PCT because the object of Claim 1 is not novel in terms of Article 33(2) PCT.

Document D1 discloses (the numerals in parentheses refer to this document, see figures 1, 2) a method for triggering an occupant protection device in a vehicle including the steps: detecting a first measured variable (44/46) and simultaneously generating a corresponding first signal (68/74) for indicating a necessity for triggering the occupant protection device; detecting an acceleration value in the z direction (48) and simultaneously generating a corresponding second signal (82/84); calculating a trigger signal for triggering at least one occupant protection device as a function of the first and second signals (68/72, 82/84), and triggering (40/42) the at least one occupant protection device (16) as a function of the calculated trigger signal.

- 2.1 The same reasoning is respectively true for the independent device claim 10.

The object of Claim 10 is therefore not novel (Article 33(2) PCT).

- 2.2 The dependent Claims 2 through 9 and 11 contain no features which, in combination with the features of any other claim to which they refer, fulfill the requirements of the PCT with regard to novelty (Article 33(2) PCT) and inventive step (Article 33(3) PCT). The reasons are the following:

The additional features of the dependent Claims 2, 4, and 5 are known from document D1, see figures 1 and 2.

The features of the dependent Claim 3 have already been used in a similar method for the same purpose, cp. document D2, column 16, line 48 - column 17, line 8, and column 18 line 1 - 39. Therefore, it was obvious to those skilled in the art to also use these features in a method according to document D1 having the respective effect and to arrive in this way at a method according to Claim 3.

The dependent Claims 6 through 9 refer to a minor structural alteration of the method according to Claim 1 which is within the scope in which those skilled in the art operate based on the considerations familiar to them, particularly as the advantages achieved of an adaptation of the deployment decision can be easily anticipated.

The features of the dependent Claim 11 have already been used in a similar device for the same purpose, cp. document D2, column 16, line 48 - column 17, line 8, and column 18 line 1 - 39. Therefore, it was obvious to those skilled in the art to also use these features in a device

according to document D1 having the respective effect and to arrive in this way at a device according to Claim 11.

The above infers that the object of Claims 2, 4, 5 is not novel (Article 33(2) PCT) and the object of Claims 3, 6 through 9, and 11 is not based on inventive step (Article 33(3) PCT).

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